

Executive Summary- Misdemeanor Marijuana **2018**

The following is an executive review of misdemeanor marijuana data for calendar year 2018. Arrest data involving adults 16 years of age and older was used for the purposes of this report, and limited to only those arrests in which at least one offense charged was for a violation of General Statutes relating to the misdemeanor possession of marijuana or drug paraphernalia.

For the year, there were 9,884 total charges, of which 341 (3.5%, Chart 1) were for POSSESS CONTROL SUBSTANCE SCHEDULE VI or POSSESS MARIJUANA UP TO 1/2 OZ (Table 1). This is higher than the 2.3 percent ratio for calendar year 2017, but lower than the 3.9 percent ratio observed during the 18-month period from 1/1/2013 to 6/30/2014, which is used as a benchmark based on previously reported data.

Table 1 – Select Arrest Charges by Year

Charge	Description	2014	2015	2016	2017	2018	Grand Total
90-95(A3)6	POSSESS CONTROL SUBSTANCE SCHEDULE VI ¹	357	316	289	152	240	1,354
90-95(D4)	POSSESS MARIJUANA UP TO 1/2 OZ	94	63	79	65	101	402
90-113.22	POSSESSION OF DRUG PARAPHERNALIA	614	508	486	281	378	2,267
	Grand Total	1,065	887	854	498	719	4,023

Arrests in which misdemeanor possession of marijuana and/or drug paraphernalia are the only charges are infrequent. In 2018, the 719 charges for these offenses came from 607 individual arrests. Of these individual arrests, 264 involved only the aforementioned charges, which is 4.6 percent of the 5,707 total arrests for the year (Chart 2). This is more than double the rate observed over the last few years. However, this is likely influenced by the increased availability of citation data in 2018, rather than an actual change in enforcement activity. When non-custodial arrests are eliminated, the rate remained unchanged at 1.0 percent from 2017 to 2018.

Chart 1

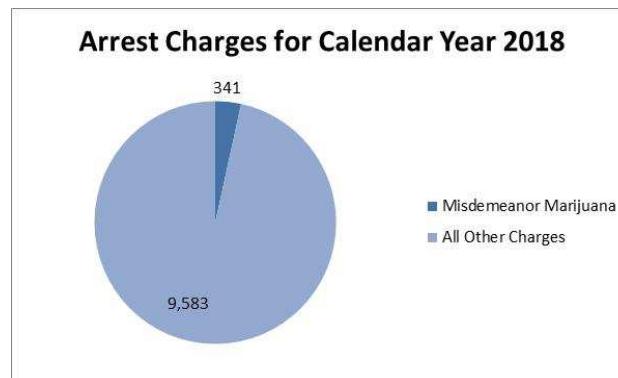
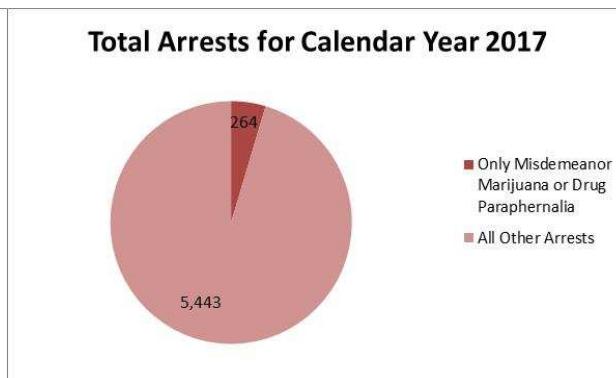


Chart 2



The 343 arrests in which marijuana possession or drug paraphernalia occurred in connection with other charges included 324 other drug offenses and 429 non-drug offenses. The top eight (8) most common non-drug offenses were RESIST DELAY OBSTRUCT PUBLIC OFFICER (49), POSSESSING STOLEN GOODS (37), POSSESSION OF FIREARM BY CONVICTED FELON (22), CARRYING CONCEALED WEAPONS (22), FAILURE TO APPEAR (20), and 2ND DEGREE TRESPASS (19).

¹ Schedule VI = marijuana

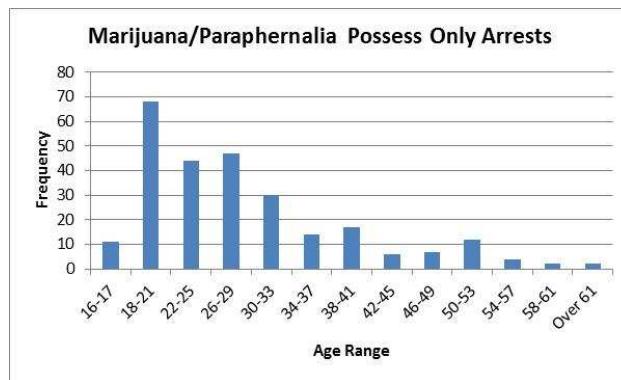
Table 2 – Arrest Types

Type	Count
Citation ²	208
On-View ³	18
Warrant For Arrest	38
Grand Total	264

Approximately 14 percent of the arrests where possession of marijuana and/or drug paraphernalia were the only charges stemmed from an existing order or warrant for arrest, with 79 percent being issued a citation (Table 2). Of the 18 persons taken before a magistrate (7%), 5 ended up being charged with a felony, and the arrestee had prior charges in all but 3 of the remaining 15 cases. Only 1 of these 3 does not have clear documentation on file as to the reason an alternative to arrest was not sought.

Demographics

There were 264 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges. By race, 204 (77%) were Black, 32 (12%) were White, and 28 (11%) were Hispanic. By sex, 208 (79%) were male and 56 (21%) were female. These ratios are similar to those for violent crime [identified] suspects in 2018⁴. By age, the above graph shows arrestees most commonly fell into the 18-29 range, with significant drop-offs observed starting at 30 years old. Of the 264 aforementioned arrests, 129 (48.9%) were young (16-34)⁵ black males.



Geography

The 264 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges were distributed throughout the City, with the highest concentrations occurring along Holloway Street just west of Wellons Village shopping center in District 1, and the area just northeast of Hillside Park in District 4. These areas also experienced concentrations of violent and/or property crime during the year. There were also 11 arrests specifically at the Durham County Jail.

Misdemeanor Diversion Program

The Misdemeanor Diversion Program (MDP) was expanded from eligible 16-17 year olds through the age of 21 effective October 1, 2015. In November 2016, it became policy that “officers are required to initiate the referral process on all individuals who are eligible for the program.” Of the total 148 referrals to the MDP during the year, 35 were for marijuana/paraphernalia offenses; 21 were 16-17 years old, with the remaining 14 being 18-21 years old.

² Includes 9 citations that were improperly coded as 'on-view' arrests

³ Includes 5 arrests in which felony charges were involved (CJLEADS)

⁴ Identified violent crime suspects: 80% Black, 10% White, 9% Hispanic; 76% Male, 24% Female

⁵ Only adults are included in this report, which starts at 16 years old